

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA	:	CASE NO. 4:02 CR 00226
	:	
Plaintiff	:	
	:	
-vs-	:	
	:	
ADRIAN L. GORDON	:	<u>ORDER ADOPTING REPORT AND</u>
	:	<u>RECOMMENDATION AND REVOKING</u>
Defendant	:	<u>SUPERVISED RELEASE</u>
	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case came before the Court on 27 June 2006 for a supervised release violation hearing. Adrian L. Gordon was present and was represented by attorney Damian A. Billak. Assistant United States Attorney Rob Corts was present for the government, and United States Probation Officer Sharon Worlds also attended.

On 12 August 2002, Adrian L. Gordon pled guilty to one count of being a felon in possession of a firearm (18 U.S.C. §§922(g)(1)). This Court initially sentenced Mr. Gordon to 46 months in Bureau of Prisons (“BOP”) custody to be followed by three years of supervised release. (ECF 25). Mr. Gordon began his term of supervised release on 26 September 2005. On 16 February 2006, this Court entered an Order modifying Mr. Gordon’s conditions of release and required that Mr. Gordon be placed in a community corrections center for 180 days. (ECF 32).

On 16 May 2006, this Court received a Violation Report charging Mr. Gordon with violating the modified conditions of his release in that he: (1) failed to reside in a

community correction center for 180 days (Mr. Gordon walked away from the Oriana House on 1 May 2006 and did not return); and (2) failed to abide by the rules of a community corrections center (Mr. Gordon tested positive for alcohol use on 1 May 2006, while at the Oriana House).

On 9 June 2006, United States Magistrate Judge George J. Limbert held a revocation of supervised release and detention hearing, during which Mr. Gordon stipulated to the supervised release violations. Magistrate Judge Limbert continued Mr. Gordon's detention pending sentencing, and he issued a report and recommendation ("R&R"), recommending that this Court find Mr. Gordon in violation of the terms of his supervised release. (ECF 39). At the 27 June 2006 hearing, Mr. Gordon acknowledged his stipulation that he had so violated his supervised release and this Court so finds.

During the 27 June 2006 hearing, counsel for Mr. Gordon, counsel for the government, and Probation Officer Sharon Worlds informed the Court of their agreement that Mr. Gordon should be imprisoned for seven months with no supervision to follow his release. Mr. Gordon's counsel requested that this Court recommend to the BOP that Mr. Gordon receive credit for his period of incarceration since 1 June 2006. Neither the government nor Probation Officer Worlds objected to the request for credit.

Mr. Gordon informed the Court that he intends to move to Atlanta, Georgia upon his release from prison where he will have support from his family. Mr. Gordon desires whatever drug treatment may be available to him while in custody and also requests he be incarcerated in the Federal Correctional Institution ("FCI") in Elkton, Ohio or the FCI in McKean, Pennsylvania.

Upon consideration, the Court directs that Mr. Gordon's term of supervised

release be revoked. Mr. Gordon is hereby committed to the custody of the BOP to be imprisoned for a term of seven (7) months, with no supervision to follow release. The Court recommends that Mr. Gordon be: (1) designated to the FCI in Elkton, Ohio or McKean, Pennsylvania; (2) given credit for the time he has been imprisoned since June 2006; and (3) provided any available drug treatment. 1

IT IS SO ORDERED.

Date: 28 June 2006

/s/ Lesley Wells
UNITED STATES DISTRICT JUDGE